

## Declaration and Power of Attorney For Patent Application

## 特許出願宣言書及び委任状

## Japanese Language Declaration

## 日本語宣言書

下記の氏名の発明者として、私は以下の通り宣言します。

As a below named inventor, I hereby declare that:

私の住所、私書箱、国籍は下記の私の氏名の後に記載された通りです。

My residence, post office address and citizenship are as stated next to my name.

下記の名称の発明に関して請求範囲に記載され、特許出願している発明内容について、私が最初かつ唯一の発明者（下記の氏名が一つの場合）もしくは最初かつ共同発明者であると（下記の名称が複数の場合）信じています。

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

A METHOD AND SYSTEM FOR BACKING UP STORAGE

SYSTEM DATA

上記発明の明細書（下記の欄で×印がついていない場合は、本書に添付）は、

The specification of which is attached hereto unless the following box is checked:

☐ \_\_月\_\_日に提出され、米国出願番号または特許協定条約国際出願番号を\_\_\_\_とし、  
(該当する場合) \_\_\_\_\_に訂正されました。

☐ was filed on  
as United States Application Number or  
PCT International Application Number  
\_\_\_\_\_ and was amended on  
\_\_\_\_\_ (if applicable).

私は、特許請求範囲を含む上記訂正後の明細書を検討し、内容を理解していることをここに表明します。

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

私は、連邦規則法典第37編第1条56項に定義されるとおり、特許資格の有無について重要な情報を開示する義務があることを認めます。

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

## Japanese Language Declaration (日本語宣言書)

私は、米国法典第35編119条(a)-(d)項又は365条(b)項に基づき下記の、米国以外の国の少なくとも一カ国を指定している特許協力条約365(a)項に基づく国際出願、又は外国での特許出願もしくは発明者証の出願についての外国優先権をここに主張するとともに、優先権を主張している、本出願の前に出願された特許または発明者証の外国出願を以下に、枠内をマークすることで、示している。

### Prior Foreign Application(s)

外国での先行出願

(Number) (番号)	(Country) (国名)
(Number) (番号)	(Country) (国名)

私は、第35編米国法典119条(e)項に基づいて下記の米国特許出願規定に記載された権利をここに主張いたします。

(Application No.) (出願番号)	(Filing Date) (出願日)

私は、下記の米国法典第35編120条に基づいて下記の米国特許出願に記載された権利、又は米国を指定している特許協力条約365条(c)に基づき権利をここに主張します。また、本出願の各請求範囲の内容が米国法典第35編112条第1項又は特許協力条約で規定された方法で先行する米国特許出願に開示されていない限り、その先行米国出願書提出日以降で本出願書の日本国内または特許協力条約国際提出日までの期間中に入手された、連邦規則法典第37編1条56項で定められた特許資格の有無に関する重要な情報について開示義務があることを認識しています。

(Application No.) (出願番号)	(Filing Date) (出願日)

(Application No.) (出願番号)	(Filing Date) (出願日)

私は、私自身の知識に基づいて本宣言書中で私が行なう表明が真実であり、かつ私の入手した情報と私の信じていること、さらに故意になされた虚偽の表明及びそれと同等の行為は米国法典第18編第1001条に基づき、罰金または拘禁、もしくはその両方により処罰されること、そしてそのような故意による虚偽の声明を行えば、出願した、又は既に許可された特許の有効性が失われることを認識し、よってここに上記のごとく宣誓を致します。

I hereby claim foreign priority under Title 35, United States Code, Section 119 (a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Priority Not Claimed

優先権主張なし

☐
☐

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below.

(Application No.) (出願番号)	(Filing Date) (出願日)

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of application.

(Status: Patented, Pending, Abandoned) (現況: 特許許可済、係属中、放棄済)

(Status: Patented, Pending, Abandoned) (現況: 特許許可済、係属中、放棄済)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

# Japanese Language Declaration (日本語宣言書)

委任状: 私は下記の発明者として、本出願に関する一切の手続きを米特許商標局に対して遂行する弁理士または代理人として、下記の者を指名いたします。(弁護士、または代理人の氏名及び登録番号を明記のこと)

POWER OF ATTORNEY: As a named inventor, I hereby

appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith (list name and registration number)

Robert C. Colwell, Reg. No. 27,431; William L. Shaffer, Reg. No. 37,234; Kim Kanzaki, Reg. No. 37,652 and George B.F. Yee, Reg. No. 37,478

書類送付先

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唯一または第一発明者	Full name of sole or first inventor Keishi TAMURA	
発明者の署名	Inventor's signature <i>Keishi Tamura</i>	Date 6/18/01
住所	Residence Odawara, Japan	
国籍	Citizenship Japan	
私書箱	Post Office Address c/o Hitachi, Ltd., Intellectual Property Group New Marunouchi Bldg. 5-1, Marunouchi 1-chome, Chiyoda-ku, Tokyo 100-8220, Japan	

(第二以降の共同発明者についても同様に記載し、署名をすること)

(Supply similar information and signature for second and subsequent joint inventors.)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

第二共同発明者	Full name of second joint inventor, if any Yoshinori OKAMI	
第二共同発明者の署名	日付	Second inventor's signature Date <i>Y. Okami</i> 6/20/01
住所	Residence Odawara, Japan	
国籍	Citizenship Japan	
私書箱	Post Office Address c/o Hitachi, Ltd., Intellectual Property Group New Marunouchi Bldg. 5-1, Marunouchi 1-chome, Chiyoda-ku, Tokyo 100-8220, Japan	
第三共同発明者	Full name of third joint inventor, if any Hiroshi ABEI	
第三共同発明者の署名	日付	Third inventor's signature Date <i>H. Abei</i> 6/19/01
住所	Residence Yokohama, Japan	
国籍	Citizenship Japan	
私書箱	Post Office Address c/o Hitachi, Ltd., Intellectual Property Group New Marunouchi Bldg. 5-1, Marunouchi 1-chome, Chiyoda-ku, Tokyo 100-8220, Japan	
第四共同発明者	Full name of fourth joint inventor, if any Mikito OGATA	
第四共同発明者の署名	日付	Fourth inventor's signature Date <i>M. Ogata</i> 6/19/01 7/16/01
住所	Residence Odawara, Japan	
国籍	Citizenship Japan	
私書箱	Post Office Address c/o Hitachi, Ltd., Intellectual Property Group New Marunouchi Bldg. 5-1, Marunouchi 1-chome, Chiyoda-ku, Tokyo 100-8220, Japan	
第五共同発明者	Full name of fifth joint inventor, if any	
第五共同発明者の署名	日付	Fifth inventor's signature Date
住所	Residence	
国籍	Citizenship	
私書箱	Post Office Address	

(第六以降の共同発明者についても同様に記載し、署名をすること)

(Supply similar information and signature for sixth and subsequent joint inventors.)



UNITED STATES  
PATENT AND  
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NOVEMBER 26, 2001

PTAS  
TOWNSEND AND TOWNSEND AND CREW LLP  
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Director of the United States Patent and Trademark Office  
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ASSIGNOR:  
TAMURA, KEISHI

DOC DATE: 06/18/2001

ASSIGNOR:  
OKAMI, YOSHINORI

DOC DATE: 06/20/2001

ASSIGNOR:  
ABEI, HIROSHI

DOC DATE: 06/19/2001

ASSIGNOR:  
OGATA, MIKITO

DOC DATE: 06/19/2001

ASSIGNEE:  
HITACHI, LTD.  
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SERIAL NUMBER: 09879663  
PATENT NUMBER:

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SHAREILL COLES, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

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To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof

## 1. Name of conveying party(ies):

Keishi Tamura  
Yoshinori Okami  
Hiroshi Abei  
Mikito OgataAdditional name(s) of conveying parties attached? ☒ Yes ☐ No.

## 3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other: \_\_\_\_\_

Execution Date: June 18, 2001, June 20, 2001, June 19, 2001  
and June 19, 2001

## 2. Name and address of receiving party(ies)

Name: HITACHI, LTD.

Street Address: 6, Kanda Surugadai 4-chome, Chiyoda-ku

City: Tokyo Country: JAPAN

Additional names and addresses attached? ☐ Yes ☒ No

## 4. Application number(s) or patent number(s).

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No(s): 09/879,663; Filed June 11,  
2001

B. Patent No(s):

Additional numbers attached? ☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Chun-Pok Leung  
TOWNSEND AND TOWNSEND AND CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
(415) 576-0200

## 6. Total number of applications and patents involved 1

7. Total fee (37 CFR 3.41): -----\$40.00

- ☐ Enclosed  
☒ Authorized to be charged to deposit account

8. Deposit account number: 20-1430

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## 9. Statement and signature.

*To the best of my knowledge and belief, the foregoing is true and correct and any attached copy is a true of copy of the original document.*

Chun-Pok Leung

Name of Person Signing  
Atty. Reg. No. 41,405

Signature

Date

9-10-01

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# ASSIGNMENT

( 譲 渡 証 )

As a below named inventor, I hereby declare that:

IN CONSIDERATION of the sum of One Dollar (\$1.00) or the equivalent thereof, and other good and valuable consideration paid to me citizen of Japan by HITACHI, LTD., a corporation organized under the laws of Japan, located at 6, Kanda Surugadai 4-chome, Chiyoda-ku, Tokyo, Japan, receipt of which is hereby acknowledged I do hereby sell and assign to said HITACHI, LTD., its successors and assigns, all my right, title and interest, in and for the United States of America, in and to

## A METHOD AND SYSTEM FOR BACKING UP STORAGE SYSTEM DATA

invented by me (if only one is named below ) or us (if plural inventors are named below ) and described in the application for United States Letters Patent therefor, executed on even date herewith, and all United States Letters Patent which may be granted therefor, and all divisions, continuations and extensions thereof, the said interest being the entire ownership of the said Letters Patent when granted, to be held and enjoyed by said HITACHI, LTD., its successors, assigns or other legal representatives, to the full end of term for which said Letters Patent may be granted, as fully and entirely as the same would have been held and enjoyed by me or us if this assignment and sale had not been made;

And I hereby agree to sign and execute any further documents or instruments which may be necessary, lawful, and proper in the prosecution of the above-named application or in the preparation and prosecution of any continuing, continuation-in-part, substitute, divisional, renewal, reviewed or reissue applications or in any amendment, extension, or interference proceedings, or otherwise to secure the title thereto in said assignee;

And I do hereby authorize and request the Commissioner of Patents to issue said Letters Patent to said HITACHI, LTD.

Signed on the date(s) indicated aside signatures:

	INVENTOR(S) (発明者フルネームサイン)	Date Signed (署名日)
1)	<del>Mitsuo Ogata</del> Keishi Tamura	6/18/01
2)	Yoshinori Okami	6/20/01
3)	Hiroshi Ahei	6/19/01
4)	Mitsuo Ogata	6/19/01
5)		
6)		
7)		
8)		
9)		